

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE**

---

**MARY PHILLIPA SLEDGE, MARY JANE  
PIDGEON SLEDGE TRUST, and PIDGEON SLEDGE FAMILY  
LIMITED PARTNERSHIP**

**Plaintiffs,**

**v.**

**Civ. 2:13-cv-2578**

**INDICO SYSTEM RESOURCES, INC. and  
CLEAL WATTS, III**

**Defendants.**

---

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR  
CONTINUANCE OF EVIDENTIARY HEARING**

---

Plaintiffs Mary Phillipa Sledge, Mary Jane Pidgeon Sledge Trust, and Pidgeon Sledge Family Limited Partnership ("Plaintiffs") respectfully request this Court **deny** the untimely Motion for Continuance of Evidentiary Hearing filed by Indico System Resources, Inc. and Cleal Watts, III (collectively, the "Defendants").

The initial Complaint was served on Defendants in October 2013. On December 13, 2013, Defendants Indico Systems Resources, Inc. and Cleal Watts, III ("Defendants") filed their Motion to Dismiss for Lack of Jurisdiction. (*dkt. no. 11*). This threshold issue has been pending for nearly a full year and, as argued in Plaintiffs' Motion to set Scheduling Conference, filed in August 2014 (*dkt. no. 28*), Plaintiffs are eager to begin discovery but **cannot** until a determination as to jurisdiction is made.

On November 14, 2014, this Court notified the parties that it intended to conduct an evidentiary hearing on December 3, 2014 to determine the jurisdictional issue. In response,

Plaintiffs immediately began in earnest to aggressively prepare their proof. On Wednesday, November 19, 2014, Plaintiffs, upon realizing that they may need to introduce several dozen exhibits, contacted Defendants' counsel to discuss the possibility of stipulations. Defendants' counsel indicated, for the first time during that call, that he would be seeking a continuance and asked whether Plaintiffs would agree to a joint motion. Plaintiffs' counsel indicated that Plaintiffs would not likely support any further delays. Defendants' counsel then stated he would be filing the motion anyway.

On Tuesday, November 25, 2014 (six days later), Defendants filed their Motion to Continue Evidentiary Hearing. ("Motion", *dkt no. 31*). They filed this Motion on the eve of the Thanksgiving holiday, merely two business days before the hearing was scheduled to occur and, importantly, after Plaintiffs have invested substantial time and efforts in preparing for it.

Plaintiffs respectfully ask that Defendants Motion be denied because:

- this matter has been pending for more than a year;
- Defendants have had notice of the hearing for two weeks;
- Defendants waited until two days before the hearing to file their Motion;
- Defendants have offered no good explanation for their request for a continuance other than "various scheduling conflicts on the part of Defendants and their counsel"; and
- most importantly, because the effect of any further continuance would be to cause further prejudice to Plaintiffs, who have been severely injured by the fraudulent conduct of Defendants and who continue to suffer damages as a result of the passage of time.

Respectfully Submitted,

/s/ Darrell N. Phillips  
PIETRANGELO COOK PLC  
Anthony C. Pietrangelo BPR # 15596  
John J. Cook BPR # 17725  
Darrell N. Phillips BPR #30299  
6410 Poplar Avenue, Suite 190  
Memphis, TN 38119  
901.685.2662  
901.685.6122 (fax)  
*jcook@pcplc.com*  
**Attorneys for Plaintiffs**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 25th day of November 2014, a copy of the foregoing electronically filed document was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party.

Bruce A. McMullen  
165 Madison Ave., Suite 2000  
Memphis, Tennessee 38103

/s/ Darrell N. Phillips